A BILL TO BE ENTITLED

AN ACT

relating to the regulation, development, and treatment of brackish
and marine water.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 11.085, Water Code, is amended by adding
Subsection (w) to read as follows:

(w) This section does not apply to a proposed transfer from
one river basin in this state to another river basin in this state
of water appropriated under Section 11.1423.

SECTION 2. Section 11.121, Water Code, is amended to read as
follows:

Sec. 11.121. PERMIT REQUIRED. Except as provided in
Sections 11.142, 11.1421, [and] 11.1422, and 11.1423 [of this
code], no person may appropriate any state water or begin
construction of any work designed for the storage, taking, or
diversion of water without first obtaining a permit from the
commission to make the appropriation.

SECTION 3. Subchapter D, Chapter 11, Water Code, is amended
by adding Section 11.1423 to read as follows:

Sec. 11.1423. PERMIT EXEMPTION FOR APPROPRIATION BY WATER
SUPPLY ENTITY OF BRACKISH OR MARINE WATER. (a) In this section:

(1) "Brackish water" means water that contains a total
dissolved solids concentration of more than 1,000 milligrams per
liter and is not "Marine water".
"Marine water" means water that contains a total dissolved solids concentration of more than 10,000 milligrams per liter and is derived from the Gulf of Mexico or an adjacent bay, estuary, or arm of the Gulf of Mexico.

"Water supply entity" includes:

(A) a retail public utility as defined by Section 13.002;

(B) a wholesale water supplier; or

(C) an irrigation district operating under Chapter 58.

Without obtaining a permit, a water supply entity may appropriate for any beneficial use state water that consists of brackish water or marine water.

A water supply entity may use the bed and banks of any flowing natural stream within the state to convey water appropriated under this section without obtaining an authorization under Section 11.042.

A water supply entity may divert from a stream only the amount of water put into the stream by the entity, less carriage losses.

A water supply entity must treat water so that it meets the standard for public drinking water established by Section 341.031(a), Health and Safety Code, before the entity may put the water into a stream.

This subsection does not prohibit a water supply entity from conveying water appropriated under this section in any other manner authorized by law, including through the use of facilities.
owned or operated by the state if authorized by the state.

SECTION 4. Section 36.001, Water Code, is amended by
amending Subdivision (5) and adding Subdivision (31) to read as
follows:

(5) "Groundwater" means water percolating below the
surface of the earth. The term does not include brackish
groundwater.

(31) "Brackish groundwater" means groundwater that
contains a total dissolved solids concentration of more than 1,000
milligrams per liter.

SECTION 5. Section 36.117, Water Code, is amended by
amending Subsection (l) and adding Subsection (m) to read as
follows:

(l) Except as provided by Subsection (m), this chapter applies to water wells, including water wells used to
supply water for activities related to the exploration or
production of hydrocarbons or minerals. This chapter does not
apply to production or injection wells drilled for oil, gas,
sulphur, uranium, or brine, or for core tests, or for injection of
gas, saltwater, or other fluids, under permits issued by the
Railroad Commission of Texas.

(m) This chapter does not apply to wells used to withdraw
brackish groundwater.

SECTION 6. This Act takes effect September 1, 2013.